UNITED
NATIONS

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Economic and Social Council

Distr.
LIMITED

E/ICEF/1994/L.17
19 April 1994

ORIGINAL: ENGLISH

UNITED NATIONS CHILDREN'S FUND
Executive Board
Second regular session 1994*
25-29 April 1994

FOR INFORMATION

Report of the Chairman of the Open-ended Working Group on the Rules of Procedure

1. At its first regular session of 1994, the Executive Board adopted decision 1994/R.1/3 (see E/ICEF/1994/13) on the UNICEF rules of procedure which, inter alia, established an Open-ended Working Group to review the present rules with the aim of preparing a recommendation on amended rules of procedure for Board approval no later than the 1994 annual session.

2. The Open-ended Working Group met five times, on 16, 23 and 28 March and 6 and 13 April 1994. During the first three sessions, the rules of procedure were amended not only to bring them in line with General Assembly resolution 48/162 of 20 December 1993 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields, but also to simplify them where possible. In this process, the Working Group decided to delete the current rules 6, "Communication of the provisional agenda", now submerged in new rule 6, "Submission of documentation"; 15, "Powers of Acting Chairman", now submerged in new rule 13, "Acting President"; 16, "Voting rights of and representation by the Chairman"; 17, "Programme Committee"; 18, "Committee on Administration and Finance"; 19, "Establishment of additional Committees"; 20, "Subsidiary bodies of Committees", now, together with rule 19, submerged in new rule 14 "Establishment"; 21, "Officers"; 32, "Summary records of meetings"; and 62, "Method of amendment", now submerged in new rule 53 "Amendment and suspension of rules of procedure". As a result, the number of rules has been reduced from 63 to 53.

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* It was envisaged that the rules of procedure would be discussed during the annual session as reflected in the annotated provisional agenda (E/ICEF/1994/1). However, the Open-ended Working Group on the Rules of Procedure has made a recommendation to take up this item during the second regular session.

3. At the third meeting of the Working Group, the participation of non-members of the Board was discussed extensively. One of the main questions was whether resolution 48/162 makes a distinction between annual and regular sessions other than the location of the session of the Board. In the new rule 3, it is stipulated that the annual sessions of the Board shall normally be held at United Nations Headquarters and that regular sessions of the Board shall be held at the premises of the UNICEF headquarters as of the date when such premises are rendered able to accommodate such sessions, which is in line with resolution 48/162. The Working Group was of the view that until such time, regular sessions should be held at United Nations Headquarters. Most, if not all, participants could accept the interpretation that resolution 48/162 does not make a distinction between annual and regular sessions other than the location of the sessions. The broad acceptance of this interpretation proved to be the stepping stone towards agreement in the Working Group. Views varied widely on the actual participation of non-members. At the end of the meeting the Chairman of the Working Group invited the representatives of Bangladesh, Brazil, Cuba, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania to form a drafting group that would present to the next meeting of the Open-ended Working Group a draft text on the participation of non-members of the Board.

4. The drafting group held two meetings which produced new draft rules 50 and 51 of the Rules of Procedure and a draft decision on the implementation of the new rules 50 and 51 for presentation to the Open-ended Working Group.

5. The drafting group elaborated on the interpretation of the Open-ended Working Group that there was no distinction between annual and regular sessions. This would imply that the formulation on the participation of non-members in the Board used in resolution 48/162 was valid for annual and regular sessions of the Board and that this should be reflected in the rules of procedure. However, in view of the rather ambiguous formulation in resolution 48/162, the drafting group decided to propose a draft decision in which the implementation of the Rules of Procedure would be described.

6. The formulation of rules 50 and 51 of the Rules of Procedure as such would not have been acceptable for all participants of the Open-ended Working Group. Likewise, the formulation of the draft decision on their implementation as such could not have been supported by all participants. However, the combination of the rules and the draft decision on their implementation together made it possible to reach consensus in the Open-ended Working Group.

7. In view of the fragile balance between the new rules 50 and 51 and the draft decision on the implementation of these rules, the Chairman of the Open-ended Working Group has recommended that the Executive Board adopt the new rules of procedure, as contained in document E/ICEF/1994/L.18, and the draft decision on the implementation of rules 50 and 51 of the new rules of procedure, as contained in document E/ICEF/1994/L.19, in conjunction. If the Board decides to do so, the decision on implementation will be reflected in an annex to the new rules of procedure.

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E/ICEF/1994/L.18
15 April 1994

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FOR ACTION

RULES OF PROCEDURE

Draft proposal by the Chairman of the Open-ended Working Group on the Rules of Procedure

The Chairman of the Open-ended Working Group on the Rules of Procedure recommends that the Executive Board adopt the following decision in conjunction with the draft decision contained in document E/ICEF/1994/L.19 as the first substantive agenda item after adoption of the agenda at the second regular session of 1994:

The Executive Board

Decides that, in view of United Nations General Assembly resolution 48/162 of 20 December 1993, the following rules of procedure will replace the existing rules of procedure as contained in document E/ICEF/177/Rev.5 and Corr.1, with effect as of 1 July 1994.

* It was envisaged that the rules of procedure would be discussed during the annual session as reflected in the annotated provisional agenda (E/ICEF/1994/1). However, the Open-ended Working Group on the Rules of Procedure has made a recommendation to take up this item during the second regular session.

I. SESSIONS

Annual sessions

Rule 1

The Executive Board (the Board) shall meet in an annual session at such time as it determines.

Regular sessions

Rule 2

The Board may hold regular sessions, which should be held between the annual sessions, by decision of the Executive Board or at the request of:

(a) A majority of the members of the Board;

(b) The General Assembly;

(c) The Economic and Social Council;

(d) The Executive Director.

Place of sessions

Rule 3

1. The annual session of the Board shall normally be held at the Headquarters of the United Nations. The Board may decide to hold a session elsewhere.

2. The regular sessions of the Board shall be held at the premises of the headquarters of the United Nations Children's Fund as of the date when such premises are rendered able to accommodate such sessions.

Notification of sessions

Rule 4

The Executive Director shall convey to the members of the Board and observers the date, place and provisional agenda of each session, at least six weeks before the commencement of an annual session and as soon as possible before a regular session, preferably 6 weeks.

II. AGENDA

Provisional agenda

Rule 5

1. The Board shall approve at each session, on the proposal of the Executive Director, the provisional agenda for the next session.

2. The provisional agenda shall reflect the functions of the Board set forth in paragraph 22 of annex I to General Assembly resolution 48/162 of 20 December 1993 and shall include all items required by these rules or proposed by:

(a) The Board at a previous session;

(b) Any member of the Board;

(c) The Executive Director;

(d) The General Assembly;

(e) The Economic and Social Council.

Submission of Documentation

Rule 6

The Executive Director shall submit documentation relating to items on the provisional agenda to the members of the Board at least six weeks before the commencement of an annual session and as soon as possible before a regular session, preferably 6 weeks.

Supplementary items

Rule 7

1. Any member of the Board, the Executive Director, the General Assembly or the Economic and Social Council may propose the inclusion of supplementary items in the provisional agenda.

2. The supplementary items shall be placed by the Executive Director on a supplementary list and communicated to members of the Board.

Adoption and revision of the agenda

Rule 8

1. The Board shall, at the beginning of each session, adopt the agenda for that session on the basis of the provisional agenda and of the supplementary list.

2. During a session, the Board may revise the agenda by adding, deleting, deferring or amending items.

III. REPRESENTATION AND CREDENTIALS

Representatives, alternates and advisers

Rule 9

Each member of the Board shall be represented by an accredited representative who may be accompanied by such alternate representatives and advisers as may be required.

Credentials

Rule 10

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Director. If a problem arises in connection with any credentials, the Bureau shall examine the credentials and report upon them to the Board.

IV. OFFICERS

Election and term of office

Rule 11

Each year the Board shall, at its first session of each calendar year, elect from among the representatives of members for that calendar year: a President and four Vice-Presidents, representing the five regional groups, all of whom shall, subject to rule 12, hold office until their successors are elected. The officers of the Board shall constitute the Bureau. The President of the Board shall not, apart from exceptional cases as decided by the Board, be re-elected for a consecutive term. In the election of the President, regard shall be had for the equitable geographical rotation of this office among the regional groups. Other officers of the Board shall be eligible for re-election, taking into account the desirability of reasonable rotation.

Replacement of the President

Rule 12

If the President resigns, is incapacitated or ceases to be a representative of a member of the Board, or if the member of which he or she is a representative ceases to be a member of the Board, he or she shall cease to hold such office, and one of the Vice-Presidents shall take his or her place until a new President is elected.

Acting President

Rule 13

1. If the President finds it necessary to be absent during a meeting or any part thereof, or in the case of resignation, one of the Vice-Presidents shall take his or her place.

2. An Acting President shall have the same powers and duties as the President.

V. SUBSIDIARY MACHINERY

Establishment

Rule 14

The Board may establish committees of the whole, open-ended committees, committees of limited membership or ad hoc working groups as and when it deems necessary. It shall define their functions and may also refer to them any questions for study and report. The Board may authorize such committees or working groups to meet inter-sessionally.

Membership

Rule 15

Unless the Board decides otherwise, the members of committees of limited membership shall be elected by the Board.

Rules of procedure

Rule 16

Unless the Board decides otherwise and except as otherwise provided, the rules of procedure contained in chapters VI and X to XII shall apply.

VI. SECRETARIAT

Duties of the Executive Director

Rule 17

1. The Executive Director or his or her representative shall participate in all meetings and deliberations of the Board without the right to vote.

2. The Executive Director shall direct the staff required by the Board and shall be responsible for all arrangements necessary for its meetings.

3. At each annual session the Executive Director shall report to the Board on the work of UNICEF since the Board's last annual session, and the Executive Director shall also, as required, report to the Board at all its sessions on the relevant issues on the agenda.

Estimates of expenditure

Rule 18

Before any proposal involving expenditure is approved by the Board, the Executive Director shall provide the Board with an estimate of the cost of implementing the proposal.

VII. LANGUAGES

Official and working languages

Rule 19

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages and English, French and Spanish the working languages of the Board.

2. Documents shall be produced in all official languages, with the exception of the country programme recommendations, which shall be produced in the three working languages and in one of the other six official languages at the request of the country concerned.

Interpretation

Rule 20

1. Speeches made in an official language shall be interpreted into the other official languages.

2. A representative may speak in a language other than an official language if he or she provides for interpretation into one such language. Interpretation

into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Languages of resolutions and other formal decisions

Rule 21

All resolutions and other formal decisions of the Board shall be published in the official languages.

VIII. MEETINGS

Rule 22

The meetings of the Board shall be held in public unless the Board decides otherwise.

IX. RECORDS

Sound recordings of meetings

Rule 23

Sound recordings of the meetings of the Board shall be made and kept by the Secretariat for up to four years.

X. CONDUCT OF BUSINESS

Quorum

Rule 24

Representatives of a majority of the members of the Board shall constitute a quorum.

General powers of the President

Rule 25

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Board, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Board and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Board the closure of the list of speakers, a limitation on the time to be allowed to

representatives and on the number of times the representative of each member may speak on any question, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

2. The President, in the exercise of his or her functions, remains under the authority of the Board.

Points of order

Rule 26

1. During the discussions of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

2. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 27

1. No one may address the Board without having previously obtained the permission of the President. Subject to rules 26 and 29 to 32, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Board and the President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

3. The Board may limit the time allowed to speakers and the number of times the representative of each member may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives favouring and to two opposing such limits, after which the motion shall be put to the vote immediately. Interventions on procedural questions shall not exceed five minutes unless the Board decides otherwise. When debate is limited and a speaker exceeds the allotted time, the President shall call him or her to order without delay.

Closing of list of speakers

Rule 28

During the course of a debate, the President may announce the list of speakers and, with the consent of the Board, declare the list closed. When

there are no more speakers on the list, the President shall, with the consent of the Board, declare the debate closed.

Right of reply

Rule 29

The right of reply shall be accorded by the President to any member who requests it. Representatives should attempt, in exercising this right, to be as brief as possible, and preferably, to deliver their statements at the end of the meeting at which this right is requested.

Suspension or adjournment of the meeting

Rule 30

During the discussion of any matter, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.

Adjournment of debate

Rule 31

A representative may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two representatives favouring and to two opposing the adjournment, after which the motion shall be put to the vote immediately.

Closure of debate

Rule 32

A representative may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his or her desire to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately.

Order of motions

Rule 33

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Submission of proposals and substantive amendments

Rule 34

1. Proposals and substantive amendments shall, in principle, be submitted in writing to the Executive Director, who shall circulate copies to the members of the Board in all working languages.

2. Unless the Board decides otherwise, proposals and substantive amendments shall be decided upon no earlier than twenty-four hours after copies have been circulated to all members.

3. Subject to paragraphs 1 and 2 of the present rule, when the Board is in session, proposals and substantive amendments shall be formally introduced by the sponsoring member or members of the Board. The President of the Board may announce deadlines for the submission of proposals and substantive amendments to ensure sufficient time for circulation in all working languages and for consideration by members of the Board.

Withdrawal of proposals and motions

Rule 35

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 36

A motion calling for a decision on the competence of the Board to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Reconsideration of proposals

Rule 37

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Board so decides. Permission to speak on a motion to reconsider shall be accorded only to two representatives opposing the motion, after which it shall be put to the vote immediately.

XI. VOTING AND ELECTIONS

Voting rights

Rule 38

Each member of the Board shall have one vote.

Majority required

Rule 39

1. Decisions of the Board shall be made by a majority of the members present and voting.

2. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members that abstain from voting are considered as not voting.

3. If a vote is equally divided on a matter other than an election, a second vote shall be taken. If the vote is then again equally divided, the proposal or motion shall be regarded as rejected.

Voting without meeting (mail poll)

Rule 40

Whenever the Executive Director, after consultation with the President, considers that a decision on a particular question should not be postponed until the next session of the Board and does not warrant the calling of an additional session, he or she shall transmit to each member by any rapid means of communication a motion embodying the proposed decision with a request for a vote. Votes shall be cast during such period as the request may prescribe. At the expiration of the established period or any extended period that may be prescribed, the Executive Director shall record the results and notify all members of the Board. If the replies do not include those of a majority of the members, the vote shall be considered as without effect.

Method of voting

Rule 41

1. Except as provided in rules 40 and 48, the Board shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the President. The name of each member shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. When the Board votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote. In the case of a recorded vote, the Board shall, unless a representative requests otherwise, dispense with the procedure of calling out the names of the members.

3. The vote of each member participating in a roll-call shall be inserted in the record.

Explanation of vote

Rule 42

Representatives may make brief statements consisting solely of explanation of their votes, before the voting has commenced or after the voting has been completed. The representative of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Conduct during voting

Rule 43

After the President has announced the commencement of voting, no representative may interrupt the voting except on a point of order in connection with the actual process of voting.

Division of proposals and amendments

Rule 44

Parts of a proposal or an amendment shall be voted on separately if a representative requests that the proposal be divided. Those parts of the proposal or the amendment which have been approved shall then be put to the vote as a whole. If all the operative parts of a proposal or an amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Amendments

Rule 45

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 46

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 47

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Board decides otherwise, be voted on in the order in which they were submitted. The Board may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a vote is taken on the proposal in question.

Elections

Rule 48

All elections shall be held by secret ballot, unless the Board decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled. The nomination of each candidate shall be limited to one representative, after which the Board shall immediately proceed to the election.

Rule 49

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

XII. PARTICIPATION OF NON-MEMBERS OF THE BOARD

States

Rule 50

1. Any State that is not a member of the Board may participate in the deliberations of the Board without the right to vote in accordance with the provisions of paragraphs 2 and 3 below;

2. Right to participation in the deliberations of the Board meetings, without the right to vote, shall be reserved to a State when its country programme is under consideration;

3. The Board may also invite States who manifest a special interest in the item or items under consideration to participate in the deliberations without the right to vote.

Other participants

Rule 51

Other participants from:

(a) A concerned United Nations Body;

(b) An intergovernmental organization that has been granted observer status by the General Assembly;

(c) A national liberation movement that has been granted observer status by the General Assembly;

(d) A non-governmental organization having a consultative status with UNICEF;

(e) The Non-Governmental Organizations Committee on UNICEF;

(f) A recognized UNICEF National Committee;

(g) Specialized agencies of the United Nations and the International Atomic Energy Agency

who manifest a special interest in an item or items under consideration may be invited by the Board to attend its meetings.

Invitation to other organizations

Rule 52

The Board may, when it considers it appropriate, invite other intergovernmental and non-governmental organizations to designate observers to attend its meetings.

XIII. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE

Rule 53

A rule of procedure may be amended or suspended by the Board.